

## **REMARKS**

### **I. Introduction**

With the addition of new claims 25 to 29, claims 1 to 4, 6 and 25 to 29 are pending in the present application. Claim 1 has been amended herein without prejudice. No new matter has been added. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### **II. Telephone Interview**

Applicants thank Examiner Anthony Fick and Supervisory Patent Examiner Nam Nguyen for the courtesies extended during the course of the telephone interview conducted on September 10, 2007 with Applicants' representative, Jason Mueller (Reg. No. 58,603).

During the course of the interview, U.S. Patent Application Publication No. 2003/0136679 ("Bohn et al.") was discussed.

During the course of the interview, no exhibit was shown, and no demonstration was conducted.

During the course of the interview, Applicants' "Proposed Claim Amendments for 9/10/07 Telephonic Interview" was discussed. A copy of the "Proposed Claim Amendments for 9/10/07 Telephonic Interview" is attached hereto.

During the course of the interview, claims 1 and 25 to 29 were primarily discussed.

During the course of the interview the principal proposed amendments of a substantive nature discussed are reflected in claim 1 as presented herein.

During the course of the interview, the general thrust of the principal arguments of the Applicants included the lack of disclosure in Bohn et al. of a unitary body comprising a first fluid passage; a second fluid passage and a membrane positioned separating the first fluid passage from the second fluid passage and in communication with the first fluid passage and the second fluid passage.

The general result of the interview was that it was generally agreed that Bohn et al. do not disclose the above-mentioned features and that the Office would consider Applicants' arguments in this response to the outstanding Office Action.

### **III. Rejection Under 35 U.S.C. § 102**

Claims 1, 2 and 6 were rejected under 35 U.S.C. § 102(b) as anticipated by Bohn et al. It is respectfully submitted that Bohn et al. do not anticipate the present claims for at least the following reasons.

Claim 1 has been amended herein without prejudice to recite, *inter alia*, “a unitary body comprising a first fluid passage; a second fluid passage and a membrane positioned separating the first fluid passage from the second fluid passage and in communication with the first fluid passage and the second fluid passage.” Support for this amendment may be found, *e.g.*, in the Specification at page 5, paragraph [0020] to page 7, paragraph [0024] and in Figures 1 to 6. A unitary body, as recited in claim 1, is a single body or slab as opposed to a multi-layer or multi-body structure (*see* discussion below regarding Bohn et al.). Examples of such unitary bodies can be found in the Specification and Figures. For example, as shown in Figures 1 and 2, and described in the Specification at page 5, paragraph [0020], upper channel 104, lower channel 106 and membrane 108 are formed within a unitary or single body 102. Additionally, as shown in Figure 3, and described in the Specification at page 6, paragraph [0022], a unitary or single body is formed when a “mold material, such as PDMS 216, is poured over the substrate 201, wires 204, 206, 208 and reservoir posts 212, 214 ... [and the] PDMS 216 is cured forming a replica 202, which is then peeled from the substrate 201.

Bohn et al. fail to disclose, or even suggest, at least the feature of a unitary body comprising a first fluid passage; a second fluid passage and a membrane positioned separating the first fluid passage from the second fluid passage and in communication with the first fluid passage and the second fluid passage. Instead, Bohn et al. describe an apparatus with “a porous membrane, generally designated by 22, positioned between first and second bodies 24.” Page 2, paragraph [0025]; *see also* page 4, paragraph [0039] (“nanoporous membrane was sandwiched between the bodies”) and Figure 1. In the “EXAMPLES” section, Bohn et al. describe a “seven layer sandwich structure” made using the protocol set forth in paragraphs [0041] to [0057]. Page 4, paragraphs [0039] to [0058]; *see also* Figures 8 and 9. Thus, in Bohn et al. a membrane is “sandwiched” between different layers or bodies. As such, Bohn et al. do not disclose, or even suggest, at least the feature of a unitary body, as recited in claim 1.

As for claims 4 and 6, which ultimately depend from claim 1 and therefore include all the features of claim 1, it is respectfully submitted that Bohn et al. do not render unpatentable these dependent claims for at least the same reasons more fully set forth above.

Accordingly, Applicants respectfully submit that this rejection should be withdrawn.

#### **IV. Rejections Under 35 U.S.C. § 103(a)**

Claim 3 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Bohn et al. and U.S. Patent No. 6,554,985 (“Ruiz-Martinez et al.”). Claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Bohn et al. and U.S. Patent No. 6,942,773 (“Olivares et al.”). It is respectfully submitted that these rejections should be withdrawn for at least the following reasons.

Claims 3 and 4 depend from claim 1 and therefore includes all of the features included in amended claim 1. As more fully set forth above, Bohn et al. do not disclose all of the features recited in claim 1. Neither Ruiz-Martinez et al. nor Olivares et al. is relied upon for

disclosing or suggesting the features of claim 1 not disclosed or suggested by Bohn et al. Indeed, it is respectfully submitted that neither Ruiz-Martinez et al. nor Olivares et al. disclose, or even suggest, the features of claim 1 not disclosed or suggested by Bohn et al. As such, it is respectfully submitted that the combination of Bohn et al. and Ruiz-Martinez et al. does not render unpatentable claim 3 and that the combination of Bohn et al. and Olivares et al. does not render unpatentable claim 4.

Accordingly, Applicants respectfully submit that the rejections under § 103 should be withdrawn.

**V. New Claims 25 to 29**

New claims 25 to 29 have been added herein. It is respectfully submitted that claims 25 to 29 add no new matter and are fully supported by the present application, including the Specification. *See, e.g.*, Specification at page 5, paragraph [0020] to page 7, paragraph [0024] and Figures 1 to 6.

Since claims 25 to 29 ultimately depend from claim 1, it is respectfully submitted that claims 25 to 29 are patentable over the references relied upon for at least the reasons more fully set forth above in support of the patentability of claim 1.

**VI. Conclusion**

In light of the foregoing, Applicants respectfully submit that all pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

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Respectfully submitted,

By 

Jason P. Mueller

Registration No.: 58,603

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Intel Corporation